



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, January 13, 2005, 7:30 p.m.  
777 B Street, Hayward, CA 94541**

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**MEETING**

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair Sacks followed by the Pledge of Allegiance.

**ROLL CALL**

Present: COMMISSIONERS: Lavelle, Bogue, Thnay, Peixoto, and Zermeño  
CHAIRPERSON: Sacks  
Absent: COMMISSIONER: McKillop

Staff Members Present: Anderly, Camire, Conneely, Gaber, Macias and Patenaude

General Public Present: Approximately 12

**PUBLIC COMMENTS**

There were no public comments.

**PUBLIC HEARINGS**

1. Zone Change Application No. PL-2003-0657 – Site Plan Review PL-2003-0634 – Tentative Tract Map Application PL-2003-0658 (TTM 7498), an Amendment to the Hayward Cannery Area Design Plan and a Vacation of a Portion of Amador Street – James Sullivan with Braddock & Logan (Applicant) / Select Foods, Inc. (Owner) – Request to Construct 112 dwelling units – The Project is Located at 22600, 22700, 22840, and 2285 Amador Street

Staff report submitted by Development Review Engineer, Gaber and Associate Planner, Camire, dated January 13, 2005, was filed.

At this time, Commissioner Zermeño recused himself from the meeting.

Commissioner Bogue announced that State Fair Political Practices Commission requires disclosure of campaign contributions in excess of \$250. He stated that he had received contributions from participants who have actively supported this application, but he had returned those in excess of \$250 and would therefore participate in deliberations and actions regarding this project.

Associate Planner Camire presented the staff report. She stated that staff recommended that the Commission add a condition requiring screening on balconies so personal belongings are not visible from the street and adjacent single family homes.

It was also noted that an addendum to the mitigated negative declaration was submitted as the original stated that the project was not in the 100-year flood area. However, subsequently it was learned that this was incorrect, so the addendum was made to correct the checklist. The developer has also amended the design plan to address the situation.

In response to Commissioner Peixoto's inquiry related to development fees for schools and parks, it was noted that these fees would be paid by the developer for the project.

Commissioner Peixoto further inquired if fees could be specifically designated for improvements to Centennial Park, especially the restroom facilities, which are in bad condition. Planning Manager Anderly replied that Park in Lieu Fees can only be used for acquisition of park land and major improvements, but not for maintenance purposes. The park district (HARD) develops the proposal for use of the funds and submits the requests for fees to the City. The City reviews the proposal for appropriateness and Council allocates the funds if the project is approved. Fees collected from the developer are to be used in the area from which they are collected.

Commissioner Lavelle noted various conditions that appeared to be duplicative in nature and several items that were incorrectly numbered. Associate Planner Camire stated that these would be reviewed, corrected, and combined as necessary, prior to going to Council.

In response to questions related to findings in reports for vibrations and sound, Principal Planner Patenaude noted that there are requirements for more insulation in walls, and the windows will be double-paned. Mitigation of hazardous materials on the Select Foods site has already occurred.

In response to questions from Commissioners, there was additional clarification regarding parking spaces, screening of air conditioning equipment, landscaping, and spark arrestors on chimney caps. Principal Planner Patenaude stated that developers are required to comply with the City's landscape ordinances, as well.

Chair Sacks opened the public hearing at 8:14 p.m.

Jim Sullivan, applicant, administrator thanked staff for their hard work and level of commitment to the project. He enumerated the members of his staff who have worked on the project. He further commented on some of the questions that were asked earlier. He noted that the 6 single family residences will have gas fireplaces that typically do not require spark arrestors, but if the Fire Department requires them, they will comply. He submitted a list of items of concern that he wanted the Commission to address and possibly consider changes to some of the conditions of approval.

Mr. Sullivan went through the list commenting on the conditions he would like to be revised. Among the changes, he asked that the visitor parking standards be as required in the City's parking ordinance allowing for compact cars rather than set for full-size cars. He felt that tentative map condition related to replacing the existing main or providing a parallel line to be excessive and that he was willing to fix the line on the frontage of the project. He asked that a benefit district be considered so when further development comes in on the east side, the costs would be shared among those who benefit from the improvements. He further requested that completion of all improvements on the precise plan be changed to phasing in of improvements to coincide with occupancy. He asked that water system improvements be made to the satisfaction of the Fire Chief, rather than prior to start of combustible



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construction. He noted that in some instances where 10 foot landscaping setbacks are required there is insufficient space, and there is just enough room for planting to screen the wall that is there. He asked for less than the minimum 5,000 square foot lots be allowed for lots 134 and 135.

In response, Planning Manager Anderly stated that staff would agree to change the visitor parking standard for full size vehicles according to the ordinance to include compact vehicle standards, and allow for more flexibility in the landscaping setbacks. In addition, staff would work with the developer on the lot sizes for 134 and 135.

Development Review Engineer Gaber stated that the sewer line improvements were a requirement in 2003 and the developer was made aware of this at that time. If a benefit district were established, anyone else connecting within the next 10 years would reimburse the developer for their share of the costs.

In response to Commissioner Bogue's question, Assistant City Attorney Conneely, stated establishment of a benefit district is a separate issue that City Council would hear.

In response to Commissioner Peixoto regarding fire truck access, it was noted that the plans had been changed to allow better access so any firefighting vehicle could get on the site.

Commissioner Thnay questioned the anticipated price of the units and fees for the homeowners association. Mr. Sullivan guessed that the town homes are anticipated to be sold between \$300,000 to \$400,000; the duets from \$400,000 to \$500,000; and the detached single family home at \$600,000 and above, or at the prevailing market rate. The homeowners' association dues would be about \$75 to \$95 a month. Mr. Sullivan explained the process for establishing the bylaws for the homeowners association.

Commissioner Bogue asked if staff had any objection to an easement rather than a dedicated right-of-way for the sidewalk. Development Review Services Engineer Gaber stated that it would not be a problem.

Rick Villa, Yolo Street resident, expressed concern with the lack of parking in the area.

Associate Planner Camire reviewed the traffic pattern for the area and stated that cut-through traffic is not anticipated and there will be traffic calming devices in the area. There would no longer be the number of trucks going through the area.

Joe Terrasas, Amador Street resident of 20 years, expressed concern with increases in traffic and lack of services, such as schools in the area. He was further concerned with problems that would occur with the demolition of the buildings in the area, including increased traffic with workers, cement particles in the air, and rodents. He objected to the project.

Associate Planner Camire explained that there are mitigating conditions that address these issues. The

developer is required to have vermin control before and during construction, conform to asbestos removal regulations, and to wet the site to keep dust down. The environmental impact report and negative declaration contain information regarding the estimated number of students the project will generate. The Cannery Plan calls for re-construction of a Burbank Elementary that should accommodate the additional students.

Audrey LePell resides on Ocie Way and rides a bicycle through the area. She spoke about her concerns regarding increased traffic and the number of vehicle trips per day the project will generate, and the noise and vibration levels. She asked that special landscaping be considered in front of the single-family homes that will be facing the overpass. She further asked the commission to protect the existing trees, require drought tolerant plants in landscaping, and consider requiring mitigation fees to cover the costs of a new bridge for children to get to school. Planning Manager Anderly explained that there were two studies completed for the project, and the noise level varies throughout the day. The homes will have additional insulation and double-paned windows to alleviate noise issues.

Chair Sacks closed the public hearing at 9:44 p.m., and called for a five minute recess.

The meeting reconvened at 9:51 p.m.

Commissioner Bogue stated that this is a large, complicated project with different setbacks, and various styles of homes, and there are many similar conditions of approval for the project. The neighborhood residents have expressed some concerns about traffic and the different styles of homes, but they must look at the overall layout, with commercial property changing to residential, which is much more in keeping with the neighborhood, and therefore appropriate for the area. He felt that the access point would be Amador Way and did not see instances of cut-through traffic through other surrounding smaller streets.

Commissioner Bogue moved, seconded by Commissioner Peixoto, to accept the staff recommendation that the proposed vacation of a portion of Amador Street is categorically exempt from California Environmental Quality Act (CEQA) guidelines and that the vacation of a portion of Amador Street is consistent with the General Plan. The Planning Commission recommend that the City Council adopt the Initial Study, Mitigated Negative Declaration, the Addendum to the Mitigated Negative Declaration, and Mitigation Monitoring Plan prepared pursuant to CEQA; approve the amendment to the Hayward Area Cannery Design Plan; approve the zone change and the preliminary development plan subject to the findings and conditions of approval; and approve the Tentative Tract Map application, subject to the findings and conditions of approval presented in the report, with the following exceptions:

Tentative Map Conditions – Condition to allow for use of easement instead of dedication of right-of-way; as necessary amend Conditions clarifying street widths; eliminate central sidewalk requirement along the private road; allow normal percentage for compact parking per City’s parking requirements; change Condition regarding private driveways as necessary; and to Condition 59, add to the end, “... to satisfaction of Fire Chief.”

Planned Development Conditions – Condition relative to size of single family lots allowing staff to work on the lot sizes and shapes to be creative and better mesh with new homes, keeping existing



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homes in mind. Regarding all conditions with 5-foot landscaping areas, do not reduce the minimum, with the exception of some areas such as around flares and between garage doors, where staff is to maximize the area; and keep the 10 foot requirement along the wall, even if it means losing the 2 parking spaces for visitors.

Commissioner Peixoto spoke in favor of the development and stated he would support the motion.

Commissioner Thnay stated that he understood the concerns of the neighboring residents, but in the larger context of the Cannery Area Plan, this is a small portion. The project is offering high quality housing and the area will be transformed and become much improved. He expressed concern with the number of estimated traffic trips and the prices of the homes and home owner association fees that will be required. He asked that the City not allow additional developments with private streets. Regarding the Condition for landscaping adjacent to the mall, regarding the landscaping along the sound wall for the proposed 6 houses, he asked if Commissioner Bogue would consider a friendly amendment to adjust the landscaping in order to accommodate the visitor parking spaces due to the lack of parking in the area. Additional discussion ensued related to the landscaping along the sound wall for the railroad track.

Commissioner Thnay asked that nice looking, colorful trees, with good canopies, be planted in front of the two homes that are facing the overpass.

Commissioner Lavelle stated she supported the project and was glad to see elements of the area plan coming to fruition. She said she would support the motion, but she also supported Commissioner Thnay and his concerns regarding the traffic and asked for reconsideration of his friendly amendment to allow for the visitor parking to remain so that visitors are not parking in adjacent streets. In addition she asked staff to post the name and number of the person responsible for taking calls if the developer does not adhere to conditions related to construction noise and demolition debris. Planning Manager Anderly noted that this is usually the responsibility of the developer and asked for clarification. Commissioner Lavelle noted that she wanted a clear way to communicate problems, phone numbers or e-mail, to be made available if such problems should occur and staff to monitor these incidents.

Acknowledging the costs of the homes, Commissioner Lavelle noted that the City does have in place an inclusionary housing ordinance requiring affordable, for low to moderate income, housing in new developments, but this developer turned in his paperwork prior to adoption of that ordinance.

Chair Sacks asked for a friendly amendment to allow phasing in of improvements to coincide with occupancy.

It was staff's opinion that this was acceptable as long as there was a specific schedule of improvements submitted to and approved by staff, so Commissioner Bogue accepted, as did the second, Commissioner Peixoto.

Commissioner Bogue reconsidered Commissioner Thnay's friendly amendment as put forth by Commissioner Lavelle, regarding allowing changes to the required landscaping to allow for the additional visitor parking spaces. He accepted the friendly amendment as did the second.

Commissioner Thnay asked for a friendly amendment to add language to the Condition regarding the mailboxes for the project to be amended to, "...grouped, high quality, locking mailboxes..." to alleviate the problem of stolen mail.

Commissioners Bogue and Peixoto accepted the friendly amendment.

Commissioner Lavelle expressed her support regarding the benefit district for the sewer assistance and asked staff to assist the developer in establishing the process.

Chair Sacks indicated that she was not happy regarding the changes to the 10 foot setback near the railroad track sound wall. She expressed additional concerns regarding the parking problems that have developed with other projects that have been approved and whether it is 1 or 2 parking spaces it would not be enough to keep people from parking in areas where they were not supposed to park. However, she supported the motion overall and was pleased with the project and indicated her pride of the staff that makes these project go through with ease, and she looked forward to seeing the completion of the development.

The motion passed 5 ayes, with Commissioner McKillop absent and Commissioner Zermeño recused.

## **ADDITIONAL MATTERS**

### **2. Oral Reports on Planning and Zoning Matters**

Planning Manager Anderly noted that the January 27<sup>th</sup> meeting has been canceled.

### **3. Commissioners' Announcements, Referrals**

Chair Sacks stated a stop sign and bus sign need to be replaced on Tampa, south of Tennyson, which appeared to have been knocked down in an accident.

Chair Sacks announced that at the previous Planning Commission meeting the, "Revocation of Administrative Use Permit No PL-2004-0343 – Initiated by the Planning Director – Mathew Zahari (Owner) – The Project is Located at 24850 Mission Boulevard," had been continued to this meeting. However, as the owner has fulfilled the City's requirements, the revocation process has been discontinued.

## **APPROVAL OF MINUTES**

Minutes of December 16, 2004.



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The minutes were unanimously approved.

**ADJOURNMENT**

The meeting was adjourned by Chair Sacks at 10:27 p.m.

**APPROVED:**

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Julie McKillop, Secretary  
Planning Commission

**ATTEST:**

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Connie Macias  
Deputy City Clerk